



United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy St., Suite 300
Arlington, VA 22203

703-235-3750

703-235-8349 (fax)

October 26, 2015

IBLA 2014-172	)	SDR-CO-14-10
)	
WILLSOURCE ENTERPRISE, LLC	)	Onshore Oil & Gas Unit Contraction
)	
	)	Motion to Intervene Granted;
	)	Motion to Dismiss Denied;
	)	Motion to Consolidate Denied

ORDER

WillSource Enterprise, LLC (WillSource) has appealed from a decision on State Director Review (SDR) issued by the Deputy State Director, Energy, Lands, and Minerals, Colorado State Office, Bureau of Land Management (BLM). The Deputy State Director upheld BLM's denial of WillSource's request for a suspension of operations and production (SOP) on three Federal oil and gas leases because the subject leases had expired and were not eligible for an SOP.

In this Order, we resolve several pending motions.

Motion to Intervene

Wilderness Workshop and the Natural Resources Defense Council (hereinafter, WW) have filed a Motion to Intervene in this appeal. They seek to intervene "to defend the determination that [the] leases . . . were . . . expired by operation of law before WillSource requested an SOP." Motion to Intervene at 2.

In determining whether to grant a motion to intervene, the Board considers whether, *inter alia*, the entity seeking intervenor status would be adversely affected if the Board reversed, vacated, set aside, or modified the decision on appeal. 43 C.F.R. § 4.406(b)(1); *see Hanley Ranch Partnership v. BLM*, 183 IBLA 184, 194 (2013). WW asserts that their members engage in recreational activities on Federal lands encumbered by the three leases at issue. Motion to Intervene at 6-7. According to WW, those interests would be adversely affected if the Board concluded the leases are somehow still valid and eligible for an SOP because WillSource could develop them, which would negatively affect the opportunities for recreation in the area. *See id.* at 7-8. WW supported their Motion to Intervene with declarations from four

members, all of whom stated they recreated in the area where the subject leases are located.

WillSource opposes WW's Motion. WillSource states BLM is the proper party to defend its own determinations regarding the status of the leases and that BLM can adequately represent WW's interests in this appeal. WillSource also argues that because WW holds no working interests in the leases, they have no standing to intervene.

We are not persuaded that BLM's and WW's interests are exactly aligned nor do we agree that WW must be able to independently maintain this appeal. Instead, it is proper to grant WW intervenor status because they have sufficiently established how they would be adversely affected if we overturned the Deputy State Director's decision. Therefore, WW's motion to intervene is granted. WW's answer, filed with the Board on July 11, 2014, is accepted.

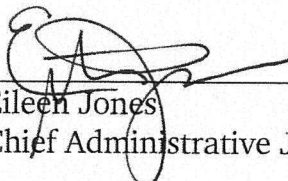
WW's Motion to Dismiss

WW filed a Motion to Dismiss and Answer. Therein, WW states that "[b]ecause WillSource fails to show that it is entitled to a . . . (SOP) and because WillSource's [] claims are unsupported by law, . . . [WW] respectfully requests that this Board dismiss the appeal." However, WW does not state reasons for the appeal's dismissal. Instead, the pleading provides reasons in support of affirming the decision on the merits. Because WW does not present any reasons to dismiss the appeal, we deny the Motion.

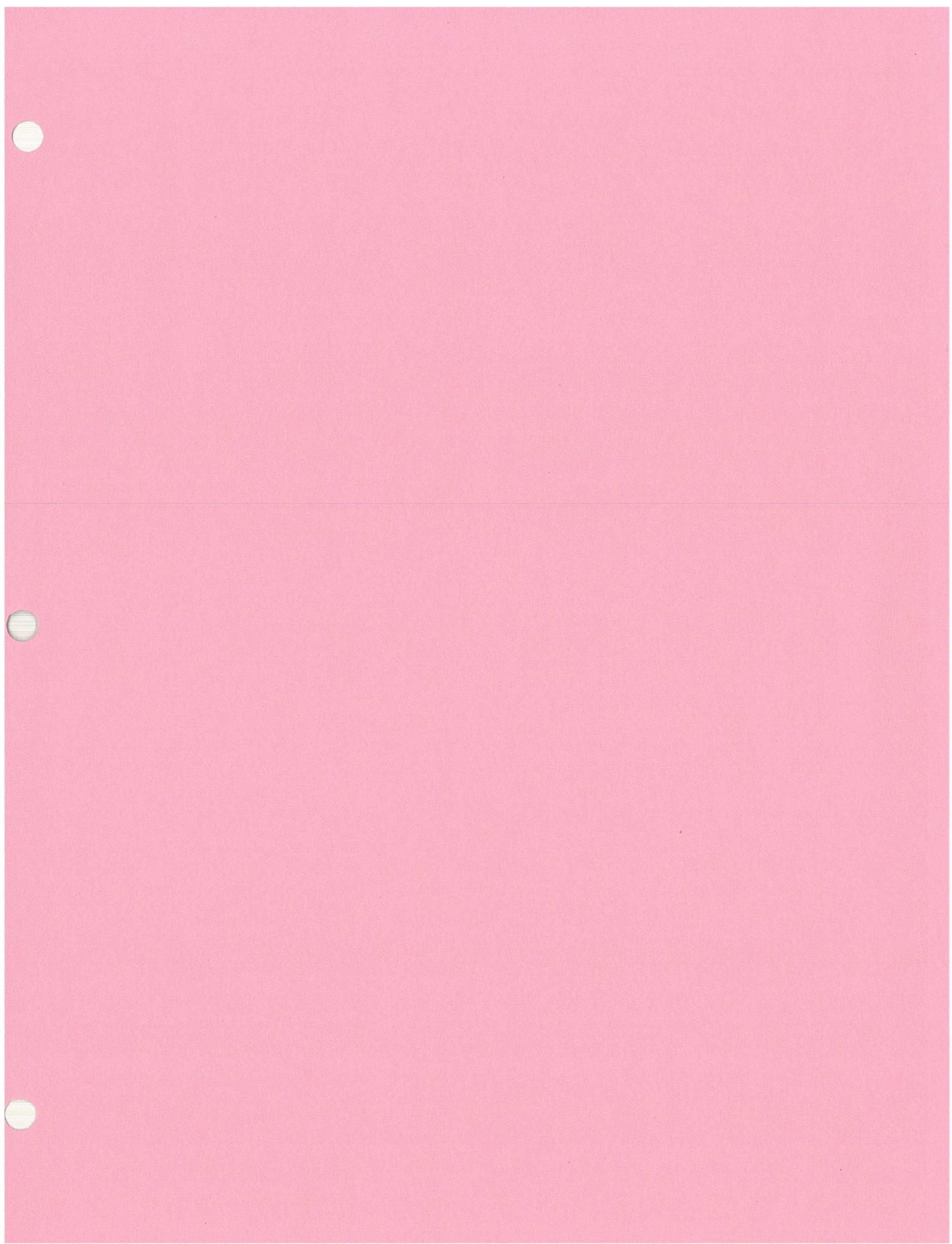
WillSource's Motion to Consolidate

WillSource has filed a Motion to Consolidate this appeal with its appeal docketed as IBLA 2014-104. Both appeals concern the same Federal oil and gas leases. WillSource indicates "the underlying facts . . . are nearly identical" in these two cases. Motion to Consolidate at unpaginated 2. BLM opposes WillSource's Motion, arguing the dissimilarity in factual and legal issues in the respective appeals.

We find judicial economy does not weigh in favor of consolidation. The parties in IBLA 2014-104 and in this case have already independently and fully briefed the factual and legal issues in both appeals. At this juncture, it does not appear that consolidating the appeals would simplify, but would instead complicate, the adjudicatory process. Therefore, the Motion to Consolidate is denied. See 43 C.F.R. § 4.404.



Eileen Jones
Chief Administrative Judge





CERTIFIED

EMAILED

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August 10, 2015

IBLA 2015-214)	COB000425, <i>et al.</i>
)	
STULL RANCHES, LLC)	Surface Owner Protection Bonds
)	
	)	Motion to Intervene Granted;
	)	Motion to Substitute Opposition
	)	to Appellant's Stay Petition Granted

ORDER

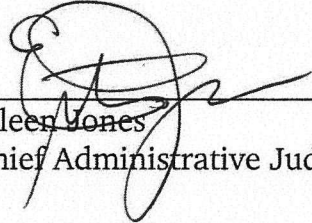
On July 22, 2015, Stull Ranches, LLC (Stull) appealed from, and petitioned for a stay of, a June 19, 2015, decision of the Colorado State Office, Bureau of Land Management (BLM). In its decision, the agency accepted and approved from Entek GRB, LLC (Entek) two surface owner protection bonds in the combined amount of \$6,000. These bonds are supposed to secure payment for reasonable and foreseeable damages to crops and tangible improvements on Stull's private surface estate, which may be caused by Entek's Federal oil and gas lease operations.

On August 7, 2015, Entek filed a timely Motion to Intervene (Motion) in Stull's appeal. In determining whether to grant a motion to intervene, the Board may consider whether the movant would be adversely affected by a Board decision that rules in appellant's favor. See 43 C.F.R. § 4.406(b)(1); *Alder Gulch, LLC*, 184 IBLA 48, 51-52 (2013). If the Board answers this question in the affirmative, then it will grant the motion.

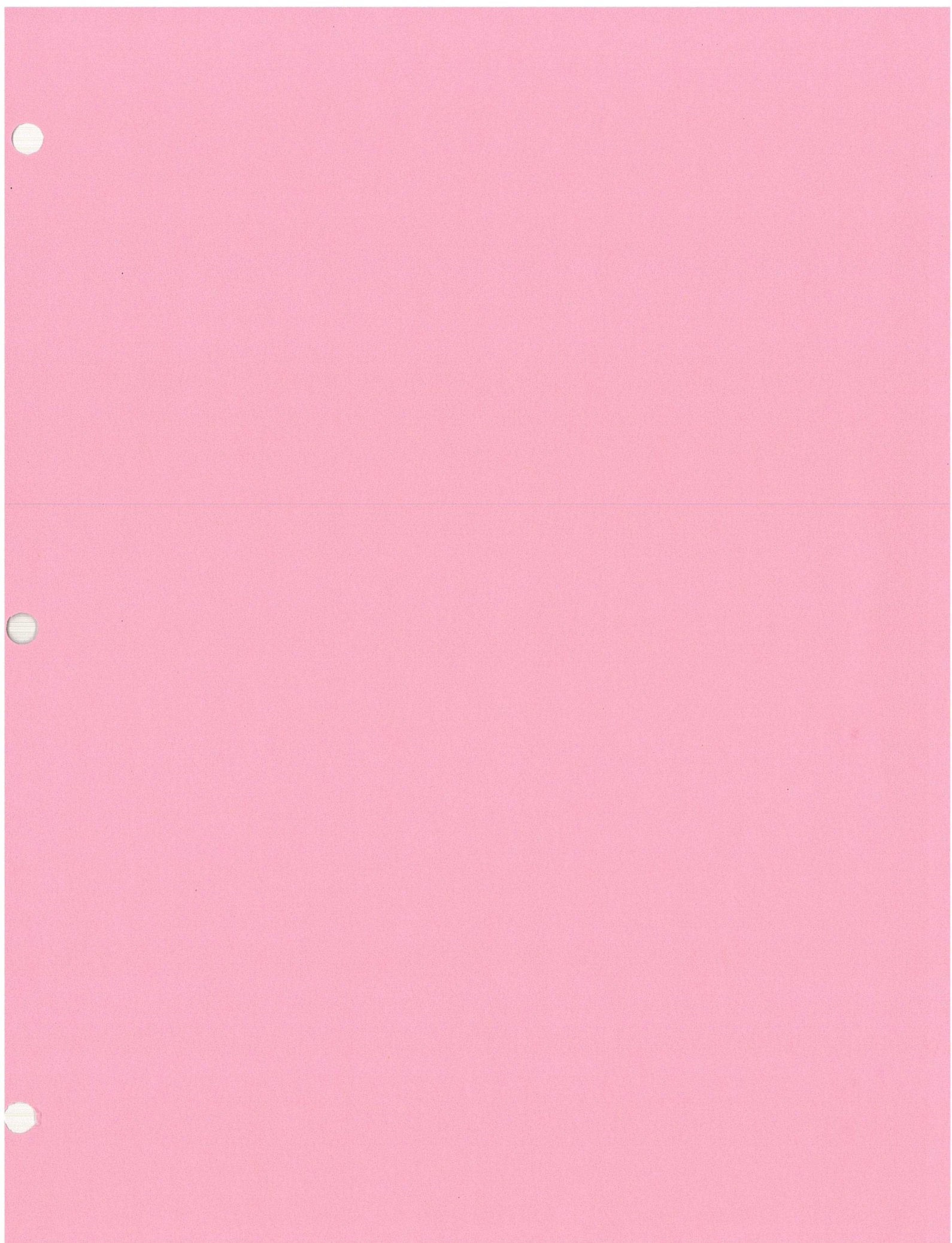
In support of its Motion, Entek claims that it has met the criterion for intervention: A Board decision that reverses, vacates, sets aside, or otherwise modifies BLM's decision to accept the Bonds would adversely affect Entek's business operations conducted pursuant to those decisions. Motion at 4. Moreover, Entek's full participation in this proceeding would ensure that its interests are affirmatively represented. *Id.* at 4-6. Based on Entek's representations, its Motion is granted.

Entek has also filed a motion to substitute its pleading titled "Opposition to Appellant's Petition for Stay" dated July 27, 2015, with its Opposition filed on August 7, 2015. The latter pleading conforms to the Board's formatting requirements set

forth in 43 C.F.R. § 4.401(d). The motion is granted and the replacement document has been accepted.



Eileen Jones
Chief Administrative Judge





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January 12, 2016

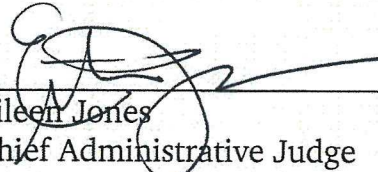
IBLA 2016-51)	UTU-90529X
)	
SOUTHERN UTAH WILDERNESS)	Oil and Gas
ALLIANCE, <i>ET AL.</i>)	
	)	Motion to Intervene Granted

ORDER

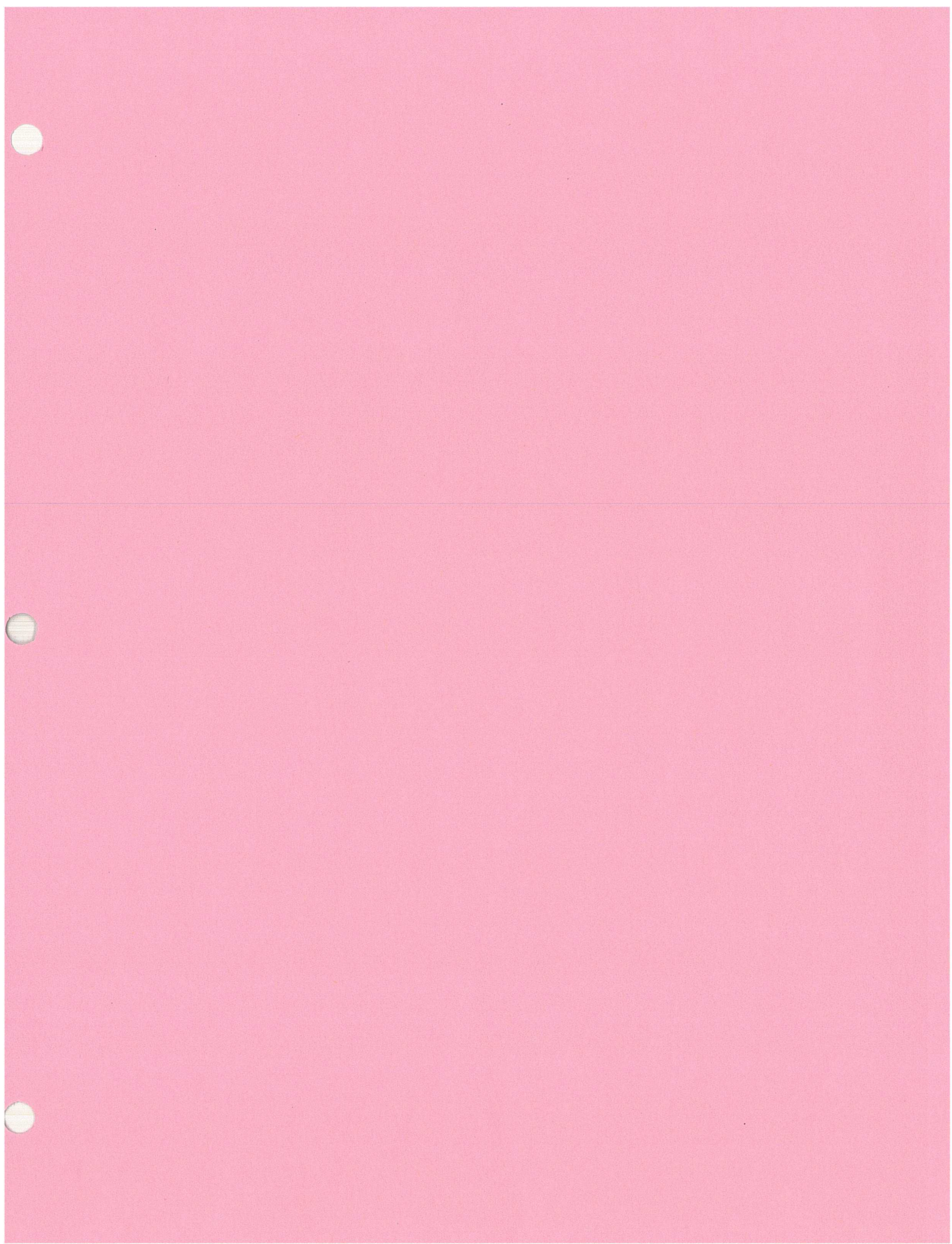
Southern Utah Wilderness Alliance (appellant) has appealed from a December 7, 2015, decision issued by the State Director, Utah State Office, Bureau of Land Management (BLM). In the decision, BLM dismissed appellant's Request for State Director Review (SDR) of BLM's decision to approve the Federal Pipeline Unit (UTU-90529X).

On January 11, 2016, EagleRidge Operating, LLC (EagleRidge) filed a timely Motion for Intervention (Motion). In support of its Motion, EagleRidge states it is the working interest owner in the Federal Pipeline Unit. Due to its interest in the Unit, EagleRidge claims a Board decision that reverses, vacates, sets aside, or otherwise modifies the State Director's decision to dismiss appellant's Request for SDR could adversely affect EagleRidge's oil and gas operations. Motion at 2. According to EagleRidge, its full participation in this proceeding would ensure that its interests are affirmatively represented. *See id.* at 1-2.

Based on EagleRidge's representations, its Motion is granted. 43 C.F.R. § 4.406(c)(1); *see Alder Gulch, LLC*, 184 IBLA 48, 51-52 (2013).



Eileen Jones
Chief Administrative Judge





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October 8, 2015

IBLA 2015-244)	CAMC 260374, <i>et al.</i>
)	
MADELAINE DURAND, <i>ET AL.</i>)	Mining Claims
)	
	)	Motion to Intervene Denied

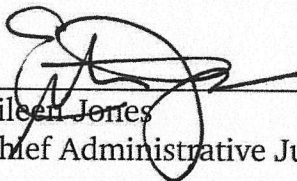
ORDER

On September 4, 2015, Madelaine Durand, Edwin Durand, Michael Woods, and GEM Green Earth Minerals, Inc. (appellants) appealed from, and petitioned for a stay of, a July 30, 2015, decision of the Colorado State Office, Bureau of Land Management (BLM). In its decision, BLM declared 30 placer mining claims closed. BLM identifies the 30 claims as "Sierra Lady No." followed by non-sequential numbers. BLM based its decision on an April 28, 1999, State Court judgment. The Superior Court of the State of California for the County of Lassen ruled, *inter alia*, that Edward Durand, Madelaine Durand, and American Pozzolan Corporation had no right, title, estate, interest, or lien in any of the Sierra Lady Claims.

On September 25, 2015, Income Investment Partners, L.P., and Cal Minerals, Inc. (proposed intervenors) filed a timely joint Motion to Intervene (Motion) in the above-captioned appeal. In support of the Motion, the proposed intervenors assert they hold interests in unpatented placer mining claims known as the Ironcloud claims. They do not expressly state that they have an interest in the Sierra Lady Claims addressed in the decision on appeal. Appellants object to the Motion.

In determining whether to grant a motion to intervene, the Board may consider whether the movant would be adversely affected by a Board decision that rules in appellants' favor. See 43 C.F.R. § 4.406(b)(1); *Alder Gulch, LLC*, 184 IBLA 48, 51-52 (2013). Here, the potential intervenors appear to be concerned with mining claims not listed in the BLM decision on appeal. Thus, the potential intervenors have not adequately shown that a Board decision reversing, vacating, setting aside, or otherwise modifying BLM's decision to close the Sierra Lady Claims would adversely affect them.

The Motion is denied.



Eileen Jones
Chief Administrative Judge